

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

4 DENNIS J. HUELBIG, JR. et al., ) Case No. 2:17-cv-02669-RFB-CWH  
5 Plaintiffs, )  
6 v. )  
7 ANNETTE L. PRATTE, ) **REPORT & RECOMMENDATION**  
8 Defendant. )  
9 )

On October 16, 2017, pro se Plaintiffs Dennis J. Huelbig, Jr. and Andrina L. Perry filed a motion to proceed *in forma pauperis* (ECF No. 1) along with a complaint (ECF No. 1-1). On October 20, 2017, this Court entered an order denying Plaintiffs' motion to proceed *in forma pauperis* as incomplete. Plaintiffs were ordered to either file a complete application to proceed *in forma pauperis* or pay the full filing fee in this case of \$400 within 30 days. More than thirty days has elapsed, and Plaintiffs have not made any further filing in this case.

16 Plaintiffs were advised that failure to file a complete application to proceed *in forma pauperis*  
17 could result in a recommendation that their case be dismissed. As Plaintiffs have been given notice  
18 of the deficiencies in their application to proceed *in forma pauperis*, but have failed to either file a  
19 complete application or pay the filing fee in this case, the Court will recommend that this case be  
20 dismissed without prejudice.

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## **RECOMMENDATION**

**IT IS HEREBY RECOMMENDED** that Plaintiffs' case be dismissed without prejudice.

## **NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: December 5, 2017

C.W. Hoffman, Jr.  
United States Magistrate Judge